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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,796	08/30/2000	John Underwood	730301-2017	2074

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EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
2157	8

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *March 8, 2004*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-28* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   This communication is responsive to the amendment filed on March 8, 2004. Claims 1-

28 are pending. The rejections cited are as stated below.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-10,12-22 and 24-28 are rejected under 35 U.S.C. 102(e) as being anticipated by

D'Arlach et al. (U.S. Patent No. 6,026,433).

D'Arlach teaches the invention as claimed including a method, a system and a

corresponding CGI computer program for generating a web site with dynamic content data from

an external source integrated therein (see D'Arlach, Abstract).

4.   In reference to claims 1,12,13 and 24-28, D'Arlach teaches the above method comprising

the steps of:

Receiving data entry (column 2 lines 30-50 & column 5 lines 14-67, D'Arlach discloses

data entry);

Determining one or more characteristics for each of one or more web site dimensions in accordance with the data entry (columns 5 & 6, D'Arlach discloses determining characteristics of web site attributes);

Generating a description of the web site based upon the one or more determined characteristics for each of the one or more web site dimensions (column 5 lines 45-67 & column 6, D'Arlach discloses generating database elements which contain a description and keywords of the website);

Retrieving web site data including dynamic content data from an external data source in accordance with the generated description of the web site (column 5 lines 1-35 & column 7 lines 1-50, D'Arlach discloses retrieving web site data from an external server);

Generating one or more pages of the web site based upon the description of the web site and the retrieved web site data (column 9 & column 10 lines 1-10, D'Arlach discloses generating the web site); and

Presenting the generated web site (column 6 lines 35-67 & columns 9&10).

5.   In reference to claims 2 and 14, D'Arlach teaches the method as claimed in claim 1, wherein the external data source is a web site (column 7 lines 20-40, D'Arlach discloses selecting a web site from a URL list or importing an HTML file form a web site).

6.   In reference to claims 3 and 15, D'Arlach teaches the method as claimed in claim 1, wherein the description defines a format of the dynamic content data (column 5 lines 45-67 & column 6, D'Arlach discloses the description database defining visual elements of the data).

7.   In reference to claims 4 and 16, D'Arlach teaches the method as claimed in claim 3, wherein the format of the dynamic content data includes a look and feel of the dynamic content

data (column 5 lines 45-67 & column 6, D'Arlach discloses the visual elements of the data

containing look and feel data).

8.   In reference to claims 5 and 17, D'Arlach teaches the method as claimed in claim 3,

wherein the format of the dynamic content data is different from a received format of the

dynamic content data from the external data source (column 5 lines 45-67, columns 6 & 7,

D'Arlach discloses the visual elements of the data being different from the visual elements of the

data from the external source).

9.   In reference to claims 6 and 18, D'Arlach teaches the method as claimed in claim 3,

wherein the format of the dynamic content data matches a format of the web site (column 5 lines

45-67, column 6, D'Arlach discloses the visual elements of the data matching the visual elements

of a web site template).

10.   In reference to claims 7 and 19, D'Arlach teaches the method as claimed in claim 6,

wherein the format of the web site is defined by at least one of the characteristics of at least one

of the web site dimensions (column 5 lines 14-67, column 6, D'Arlach discloses the visual

elements of the web site template being edited in accordance to web site attributes).

11.   In reference to claims and 20 8, D'Arlach teaches the method as claimed in claim 1,

further comprising the step of storing the description of the web site (column 5, D'Arlach

discloses storing web site elements in a database).

12.   In reference to claims 9 and 21, D'Arlach teaches the method as claimed in claim 1,

wherein the data entry includes one or more user preferences (column 7 lines 50-67 and columns

8 & 9, D'Arlach discloses user preferences).

13.   In reference to claims 10 and 22, D'Arlach teaches the method as claimed in claim 1,

wherein the data entry includes one or more user profiles (column 10, D'Arlach discloses a user

owner profile which can be changed).

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

15.   Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

D'Arlach et al. (U.S. Patent No. 6,026,433) in view of Burge et al. (U.S. Patent No. 6,014,638).

D'Arlach teaches the method of claims 1 and 13 above. D'Arlach fails to teach wherein

the data entry includes one or more navigation histories. However, Burge teaches using

navigation history to customize computer displays (column 3, lines 45-67).

It would have been obvious to one having ordinary skill in the art to modify D'Arlach by

making the data entry comprised of navigation histories as per the teachings of Burge so as to

customize the web site in accordance with the navigation history.

Response to Arguments

16. Applicant's arguments filed 3/08/04 have been fully considered but they are not persuasive.

Applicant argues that D'Arlach fails to teach retrieving dynamic content data from an external source. In regards to the claimed invention, among other things D'Arlach teaches the following:

- generating a web site (column 4, lines 54-67, D'Arlach discloses creating a website)

- retrieving web site data (column 2 lines 37-50 and column 4 lines 54-67, D'Arlach discloses requesting and transmitting website template)

- website data including dynamic content data (column 4 line 54 – column 5 line 13 and column 7 lines 25-40, D'Arlach discloses the website template including objects and elements which is customizable to each user. The template including the objects and elements are inherently pre-created in order for them to exist on a server and be retrieved by a user)

- retrieving web site data from an external data source (column 2 lines 40-50, column 4 lines 10-30 and column 7 lines 10-40, D'Arlach discloses retrieving website template from an external server computer)

It is therefore seen that D'Arlach does teach the invention including, "retrieving web site data including dynamic content data from an external data source in accordance with the generated description of the web site".

Conclusion

1.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050.

The examiner can normally be reached on Monday through Friday 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (703) 305-7562. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

RMO
April 30, 2004

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100